

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

<p>IN RE CATTLE ANTITRUST LITIGATION</p> <p>This document relates to:</p> <p>ALL CASES</p>	<p>Case No. 0:19-cv-1222-JRT-HB</p>
<p>PETERSON, et al.,    Plaintiffs,  v.  JBS S.A., et al.,    Defendants.</p>	<p>Case No. 0:19-cv-01129-JRT-HB</p>
<p>IN RE DPP BEEF LITIGATION</p> <p>This document relates to:</p> <p>ALL CASES</p>	<p>Case No. 0:20-cv-1319-JRT-HB</p>
<p>ERBERT &amp; GERBERT’S, INC.,   Plaintiff,  v.  CARGILL, INC., et al.,    Defendants.</p>	<p>Case No. 0:20-cv-01414-JRT-HB</p>

**MOTION TO DISMISS THE COMPLAINTS BY JBS S.A., JBS USA FOOD  
COMPANY, JBS USA FOOD COMPANY HOLDINGS, SWIFT BEEF  
COMPANY, AND JBS PACKERLAND, INC.**

Defendants JBS S.A., JBS USA Food Company, JBS USA Food Company  
Holdings, Swift Beef Company, and JBS Packerland, Inc. move pursuant to Rule 12(b)(6)

of the Federal Rules of Civil Procedure for an order that they be dismissed with prejudice from the complaints in the above-captioned actions:

- The Third Consolidated Amended Class Action Complaint, *In re Cattle Antitrust Litigation*, Case No. 19-cv-1222 (JRT/HB), ECF No. 312;
- The Consumer Indirect Purchase Plaintiffs' Corrected Third Amended Class Action Complaint, *Peterson, et al., v. JBS S.A., et al.*, Case No. 19-cv-1129 (JRT/HB), ECF No. 256;
- The Direct Purchaser Plaintiffs' Corrected Consolidated Amended Class Action Complaint, *In re DPP Beef Litigation*, Case No. 20-cv-1319 (JRT/HB), ECF No. 158; and
- The Corrected Amended Class Action Complaint, *Erbert & Gerbert's, Inc. v. Cargill, Incorporated, et al.*, Case No. 20-cv-1414 (JRT/HB), ECF No. 125.

In addition, JBS S.A. moves for an order of dismissal under Rules 12(b)(2) and 12(b)(5) of the Federal Rules of Civil Procedure.

This motion is supported by the by the Memorandum of Law submitted with this Motion, Defendants' Joint Memorandum, and all of the files, records, and proceedings herein.

Dated: February 18, 2021

/s/Christopher R. Morris

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